



PLANNING BOARD

Linda K. Hamlin, Chairman
Steven A. Heikin, Clerk
Robert Cook
Blair Hines
Sergio Modigliani
Matthew Oudens
Mark J. Zarrillo

Town of Brookline Massachusetts

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**BROOKLINE PLANNING BOARD MEETING MINUTES
Room 111, First Floor, Brookline Town Hall
February 18, 2016 – 7:30 p.m.**

Board Present: Linda Hamlin, Steven Heikin, Robert Cook, Sergio Modigliani,
Matthew Oudens, and Mark Zarrillo

Staff Present: Lara Curtis Hayes, Maria Morelli

Chair Linda Hamlin called the meeting to order at 7:30 pm.

BOARD OF APPEALS CASES

1003 Beacon Street (Tatte Bakery) – expand bakery seating from 8 to 35, requiring parking relief
(2/25) Pct. 1

Maria Morelli described the relief requested.

Applicant Tzurit Or described the proposal.

Steven Heikin noted that, even though the applicant is taking over the abutting space, which is currently a commercial use, the parking requirements are increasing for this type of use. Ms. Curtis Hayes responded that the parking requirements for a restaurant space are higher than that for a retail space.

Sergio Modigliani was generally supportive of the proposal and asked how many staff members would be added. Ms. Or responded that ten staff members would be added, but they would be distributed throughout the day. For example, the number of staff present during the week would be fewer than the number who would be working on the weekend. Most employees will take public transit to work. The shop manager drives from New Hampshire and has a reserved space in the parking lot.

Mr. Modigliani confirmed that the signage for the shop was reviewed and approved separately.

Mark Zarrillo stated that the footnote to the findings chart should be clarified by adding the following phrase from Section 6.02: “When a change or expansion of a non-residential use in a

business district is proposed primarily or entirely within an existing building, the Board of Appeals by special permit may waive up to 10 spaces, or up to 50%, of any increased requirement, whichever is greater.”

No public comment was offered when requested by the Board.

***Linda Hamlin motioned to recommend approval.
Sergio Modigliani seconded the motion.***

Voted (6-0): the Planning Board recommends approval of the floor plan submitted by David McMahon, dated 12/3/2015, subject to the following conditions:

1. Prior to the issuance of a building permit the applicant shall submit a final floor plan including all proposed seating for review and approval by the Assistant Director for Regulatory Planning or designee.
2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner to ensure conformance to the Board of Appeals decision: 1) a final floor plan, stamped and signed by a registered architect; and 2) evidence the Board of Appeals decision has been recorded at the Registry of Deeds.

27 Woodland Road – construct a pool house requiring relief for exceeding size limit for accessory structures under Table of Uses, Use 61 (2/25) Pct. 15

Maria Morelli described the relief requested.

Attorney Adam Barnowsky of Robert Allen Law Offices introduced the case.

Steven Heikin noted that the kitchen area was not shown on the plans. The architect provided the corrected sheet. The sheets were incorrectly titled and need to be updated. Mark Zarrillo felt that the grade line should be specified on Sheet A-4. He asked for confirmation that F-1 is the foundation plan, which the architect confirmed. Structures other than the pool house labeled as “proposed” on the site plan were permitted earlier as of right.

Sergio Modigliani questioned the amount of relief listed in the findings chart. Maria Morelli responded that, although Use #61 refers specifically to the amount of *living area* above 150 sf, Polly Selkoe wanted to show the size of the entire accessory structure and therefore included the respective areas of the pool house and the unenclosed porch. However, open porches are excluded from living area calculations, per the definition of Gross Floor Area in the bylaw. Therefore, the Planning Board confirmed that the amount of relief required is 221 sf (the area of just the pool house) not 472 sf.

Mr. Modigliani asked about the height limitation for accessory structures. No accessory structure within a required side or rear yard may exceed 15 feet in height. The pool house would be 16 feet in height. Because the structure is not within the required yard setback, the 16-foot height complies.

Robert Cook asked if the applicant reached out to neighbors. The contractor responded that one abutter submitted an email of support. The other abutters did not respond to the applicant's outreach.

No public comment was offered when requested by the Board.

***Linda Hamlin motioned to recommend approval.
Sergio Modigliani seconded the motion.***

Voted (6-0): the Planning Board recommends approval of the certified site plan by Guerriere and Halnon, Inc, dated 11/7/15 and architectural plans by Andrew Sidford Architects, dated 9/22/15, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit a final site plan and final elevations and floor, plans subject to the review and approval of the Assistant Director of Regulatory Planning.
2. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final building elevations and floor plans stamped and signed by a registered architect; and 3) evidence the decision has been recorded at the Registry of Deeds.

164 Dean Road – extend roof of bay requiring rear yard setback relief (2/25) Pct. 14

Maria Morelli described the relief requested.

Architect Bruce Miller presented the case. He stated that the existing kitchen has no view of the rear yard and the renovation would provide more light and access to the view. Rather than try to match the existing brick on the rear façade, he proposed painted panels. The applicants reached out to their abutters and will discuss suitable plantings with the most affected abutter to the rear of the property.

Linda Hamlin considered the drawings well executed.

No public comment was offered when requested by the Board.

***Linda Hamlin motioned to recommend approval.
Mark Zarrillo seconded the motion.***

Voted (6-0): the Planning Board recommends approval of the site plan by professional land surveyor David Lukens dated 12/9/15 and architectural plans by Bruce Miller, dated 10/8/15, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final elevations and floor

plans subject to the review and approval of the Assistant Director of Regulatory Planning.

2. Prior to the issuance of a building permit, the applicant shall submit a final site plan, including landscaping and counterbalancing amenities, subject to the review and approval of the Assistant Director of Regulatory Planning
3. Prior to issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor; 2) final building elevations and floor plans stamped and signed by a registered architect; and 3) evidence the decision has been recorded at the Registry of Deeds.

189 Eliot Street – construct a one story rear addition requiring design review and FAR relief (3/3)
Pct. 13

Maria Morelli described the relief requested. A variance would be required for the FAR relief requested because a special permit was granted in 1986 under Sec. 5.22.3.c. (The bylaw states that one is precluded a subsequent grant of a special permit under Sec. 5.22.3c.)

Applicant and attorney Mel Shuman described the proposal. He disagreed with the variance finding. He cited both Chapter 40A Section 6 and the *Deadrick* case that could allow single-family homes with existing FAR non-conformities to obtain a special permit, extending the existing non-conformity. He felt that because the previous owner did not exhaust the full 150% allowance under Sec. 5.22.3.c, he is permitted to use 5.22.3c a second time.

In regard to the cited case law, Lara Curtis Hayes noted that the non-conformity is not necessarily considered pre-existing because a special permit had been granted. Maria Morelli added that the language in 5.22.3.c states: “The prior grant of additional gross floor area as of right or by special permit under Section 5.22 or any prior version of Section 5.22 shall preclude a subsequent grant of a special permit under this paragraph 3, subparagraph c.” Other provisions under Sec. 5.22 (exceptions to maximum floor area) do not have this restrictive language. Maria Morelli reminded the Board that the legal argument is for the ZBA to consider; the Planning Board is charged with reviewing just design.

The Board generally considered the proposal modest in scope. No public comment was offered when requested by the Board.

Linda Hamlin motioned to recommend approval.
Robert seconded the motion.

Voted (6-0): the Board of Appeals find that the statutory requirements for a variance are met the Planning Board recommends approval of floor plans and elevations by Michael J. Huller, dated 11/20/2016, and the site plan by Bruce Bradford, dated 12/1/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final floor plans and elevations, subject to review and approval by the Assistant Director for Regulatory Planning.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan, stamped and signed by a registered engineer or land surveyor, 2) final floor plans and elevations, stamped and signed by a registered architect, and 3) evidence that the Board of Appeals decision has been recorded at the registry of Deeds.

191 Clyde Street (The Country Club) – replace multi-purpose barn with a multi-purpose accessory building requiring design review, height, and parking relief (3/3) Pct. 15

Lara Curtis Hayes introduced the case and reviewed the needed zoning relief.

The Director of Facilities for the Country Club reviewed the existing use of the Stables Building and said the Club would like to make this building a full-fledged fitness facility. Steven Ballard said there should be a correction to the draft Planning Board report: the height of the existing building is 34 feet, and the new building will be 38 feet tall.

Robert Olson, the applicant's architect, reviewed the height calculations shown in the plan, noting that the 28'2" height listed is the interior height of the building's lowest point. Mr. Olson reviewed the existing building's dimensions and history, including the alterations made to it over the years. Mr. Olson reviewed the Country Club's efforts to try to retain the building, and why the Club is now proposing to demolish the building and construct a new building that is meant to look like the original. Olson reviewed the proposed elevations.

Steven Ballard said the buildings surrounding the subject building are also taller than what would be allowed, with the Clubhouse at 39', the old Tennis Building at 43', and the Locker Building at 39'.

Robert Allen, Jr., the applicant's attorney, said Preservation is supportive of this proposal. In order to both be a functional building and to meet the standards requested by the Preservation Commission, the building needs to be higher than allowed. Mr. Allen said the higher building is consistent with the rest of the campus.

Sergio Modigliani asked if the additional height can be attributed to the location of mechanicals at the roof level. Mark Zarrillo asked about the difference in height between the existing pediment and the new building's pediment. Robert Olson said 2 feet. Mr. Zarrillo said the new building is in proportion and looks better than the existing building and the difference in height is minor, especially since the building is not very visible from the street.

Steve Heikin asked where the additional gross floor area is coming from with the new building. Robert Olson said primarily from the basement space and the new second floor.

Mark Zarrillo asked about the parking requirement, noting that the applicant might not even need parking relief. Zarrillo said the applicant could make an argument that needed parking should be based on club membership rather than square footage.

No public comment was offered when requested by the Board.

Linda Hamlin motioned to recommend approval.

Robert Cook seconded the motion.

Voted (6-0): the Planning Board recommends approval of the plans by Robert Olson + Associates Architects, dated 12/9/2015, subject to the following conditions:

1. Prior to the issuance of a building permit, the applicant shall submit final plans and elevations of the Stables Building subject to the review and approval of the Assistant Director of Regulatory Planning and the Preservation Commission staff.
2. Prior to the issuance of a building permit, the applicant shall submit to the Building Commissioner for review and approval for conformance to the Board of Appeals decision: 1) a final site plan stamped and signed by a registered engineer or land surveyor; 2) final building elevations stamped and signed by a registered architect; and 3) evidence that the Board of Appeals decision has been recorded at the Registry of Deeds.

**DESIGN REVIEW OF MODIFICATIONS TO SITE AND ELEVATIONS FOR
PREVIOUSLY APPROVED HOTEL AT CIRCLE CINEMA SITE, 375-379 CHESTNUT
HILL AVENUE (CLEVELAND CIRCLE) Pct. 13**

Lara Curtis Hayes introduced the case and said the Planning Board has review and approval of the project's site plan, plans and elevations, and landscaping plan.

Ted Tye, from National Development, presented the revised plans to the Board, focusing on any changes. For the site plan, those changes included a slightly revised location for the transformers and ornamental iron fencing in front of them; a new rumble strip in the center of the driveway and a widened overall curb cut for the MBTA catenary pole that cannot be relocated; more details regarding fencing along the MBTA property line, specifically where there will be a solid stockade fence along the parking area and a black PVC coated chain-link fence along the side of the building. Steve Heikin asked about paving materials. Ted Tye said there will be a mix of pavers, primarily in the courtyard, as well as concrete and bituminous.

Ted Tye reviewed the landscaping plan, noting that the plan is substantially the same, but it has more details about planting types and sizes.

Ted Tye reviewed the parking plans for both surface and garage parking and bicycle parking. Mr. Tye said the project will have the capacity for 106 bicycle parking spaces in the garage, but requested the Planning Board consider allowing the development to move forward without installing the racks for all 106, noting that since this is a senior housing development, it is unlikely all 106 spaces would be

utilized. Mr. Tye thought installing 40 spaces initially would be sufficient bicycle storage in the garage for both the residential building and the hotel. Mr. Tye said they will also be sponsoring a Hubway station in the neighborhood and there will be bicycle parking outside of the garage as well.

Ted Tye reviewed the proposed elevations, detailing all changes. Changes included different colors of brick and metal paneling, railing materials, fenestration details, hotel canopy, garage doors, and removal of the heat pumps under each window.

Phil Kramer, a member of the DAT for this project, said the changes are positive and not very dramatic. Mr. Kramer said he liked the different brick colors for the residential building and the hotel. Mr. Kramer said the windows are different, but they aren't objectionable.

The Planning Board expressed generally positive opinions about the revised plans.

John Doggett, TMM, agreed that the changes were small but positive. Mr. Doggett said the proportions looked better, and the "Circle" Building looks more like a signature building. Mr. Doggett said he would like to see a cornice on all sides of the hotel, and he would also like to see more metal paneling on the MBTA elevation in order to break up the overall massing of that façade. The Planning Board discussed options for the MBTA elevation. Ted Tye said other opinions have been expressed that that façade should be quieter and have a consistent pattern. Mr. Tye said the design has been through a very public process and he does not want to make really significant changes at this stage.

John Doggett said carpool parking should be located at the rear of the parking lot since it will likely be used by employees instead of hotel guests.

The Planning Board discussed the bicycle parking and supported the proposal to not install all of the bike racks as long as the capacity is there in the future. The Board supported initially installing racks for 40 bikes.

*Linda Hamlin motioned to approve the final plans and elevations.
Bob Cook seconded the motion.*

Voted (6-0): to approve the final plans and elevations as presented in the Brookline Planning Board Review Set on 2/18/2016, and including the elevations dated 2/10/16, the site plans dated 10/5/2015 and 1/11/2016, and the landscape planting plan dated 11/5/2015.

February 4, 2016 Minutes

Voted (6-0): Minutes of the February 4, 2016 meeting were approved with corrections noted.

Meeting adjourned at 10:20 pm.

Materials Reviewed During Meeting: Staff Reports, Site Plans, and Elevations